

IN RE: PETITION FOR ZONING VARIANCE
S/S Magleth Road, 270'
West of Sims Avenue
9905 Magleth Road
11th Election District
5th Councilmanic District
Legal Owner: Willis D. Drewen
Contract Purchaser:
Margarita E. Baker
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-540-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1B02.3.C.1 to permit a side yard setback of 6 feet in lieu of the required 15 feet and to permit a sum of side yard setbacks of 16 feet in lieu of the required 25 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Willis D. Drewen, Legal Owner of the subject property, appeared and testified. Mrs. Margarita E. Taylor, Contract Purchaser, (formerly Mrs. Margarita E. Baker), along with her husband, James Taylor, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 9905 Magleth Road, consists of .34 acres +/-, zoned D.R.3.5, and is improved with a single family dwelling.

Testimony indicated that the existing dwelling is in a dilapidated condition, and the petitioners propose razing the dwelling and constructing a new dwelling with the same dimensional footprint as the existing dwelling.

The Petitioners testified that they have spoken to their adjoining neighbors who indicated their support for the Petitioners' proposal.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner,

the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of July, 1989 that a variance from Section 1B02.3.C.1 to permit a side yard setback of 6 feet in lieu of the required 15 feet and to permit a sum of side yard setbacks of 16 feet in lieu of the required 25 feet, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

JRH:mmm
cc: Peoples Counsel

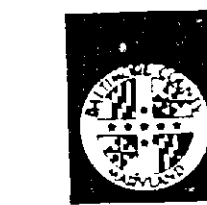
J. Robert Haines
Zoning Commissioner
for Baltimore County

-2-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 21, 1989



Dennis F. Rasmussen
County Executive

Mr. Willis D. Drewen
4305 Joppa Road
Baltimore, Maryland 21236

Mrs. Margarita E. Taylor
(formerly Baker)
505 South Grundy Street
Baltimore, Maryland 21224

RE: Petition for Zoning Variance
Case No. 89-540-A
Willis D. Drewen, Legal Owner
Margarita E. Baker, Contract Purchaser

Dear Mr. Drewen & Mrs. Taylor:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel

ZONING DESCRIPTION

BEGINNING ON THE SOUTH SIDE OF MAGLETH ROAD 270 ft. WEST OF SIMS AVE. BEING LOTS # 9,10,29,30 ON THE PLAT OF LION HEIGHTS 8/53 IN THE LAND RECORDS OF BALTIMORE COUNTY IN THE 11th. ELECTION DISTRICT, ALSO KNOWN AS 9905 MAGLETH RD. CONTAINING 15,000 SQ. FT.

July 5, 1989

Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Zoning Variance Petition Hearing - 9905 Magleth Road
To whom It May Concern:

The purpose of this letter is to inform the Hearing Panel that I, Willis D. Drewen, being the legal owner and resident of 9905 Magleth Road, which is adjacent to 9905 Magleth Road, have no objections to the Variance Petition being granted Mr. & Mrs. James A. Taylor (Margarita E. Baker) for the purpose of their building a house on the subject property. In fact, do look forward to having the unsightly and potentially dangerous (fire hazard) conditions that presently exist on this property eliminated. I further feel that the addition of such a house that is planned to be built on this property can only enhance and add to the already existing houses and property values in this area.

Willis D. Drewen
7/21/89

PETITIONER'S
EXHIBIT 3

July 5, 1989

Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Zoning Variance Petition Hearing - 9905 Magleth Road
To whom It May Concern:

The purpose of this letter is to inform the Hearing Panel that I, Willis D. Drewen, being the legal owner and resident of 9905 Magleth Road, which is adjacent to 9905 Magleth Road, have no objections to the Variance Petition being granted Mr. & Mrs. James A. Taylor (Margarita E. Baker) for the purpose of their building a house on the subject property. In fact, do look forward to having the unsightly and potentially dangerous (fire hazard) conditions that presently exist on this property eliminated. I further feel that the addition of such a house that is planned to be built on this property can only enhance and add to the already existing houses and property values in this area.

Willis D. Drewen

PETITIONER'S
EXHIBIT 4

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

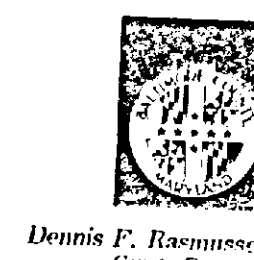
District: 11th
Date of Posting: 6/19/89
Posted for: Variance
Petitioner: Willis D. Drewen & Margarita E. Baker
Location of property: 9905 Magleth Road, Towson, Md.
Location of Sign: 9905 Magleth Road

89-540-A

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

6/19/89



Dennis F. Rasmussen
County Executive

Margarita E. Baker
505 S. Grundy Street
Baltimore, Maryland 21224

Re: Petition for Zoning Variance
Case No. 89-540-A
S/S Magleth Road, 270' W Sims Avenue
9905 Magleth Road
11th Election District - 5th Councilmanic
Legal Owner(s): Willis D. Drewen
Contract Purchaser(s): Margarita E. Baker
HEARING SCHEDULED: FRIDAY, JULY 7, 1989 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 93.60 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post (s) from the time it is posted by this office until the day of the hearing.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST (S) RETURNED ON THE DAY OF THE HEARING OR THE COLOR SHALL NOT BE ISSUED.

| | | |
|-------------------------------------|--------------------|-------------------------|
| BALTIMORE COUNTY, MARYLAND | | No. 000100 |
| OFFICE OF FINANCE, REVENUE DIVISION | | |
| MISCELLANEOUS CASH RECEIPT | | |
| DATE 7/7/89 | ACCOUNT 89-615-000 | along with the sign and |
| | AMOUNT \$ 93.60 | will be an additional |
| RECEIVED FROM: Margarita E. Baker | | |
| FOR: P.A. 7/7/89 89-540-A Haines | | |

VALIDATION OR SIGNATURE OF CASHIER

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, at 9:30 a.m. on Friday, July 7, 1989.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 9, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in the JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 9, 1989.

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-540-A

435

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.C.1 to permit a side yard setback of 6 ft. in lieu of the required 15 ft. and to permit a sum of side yard setbacks of 16 ft. in lieu of the required 25 ft.

Property is to be posted and advertised as prescribed by Zoning Regulations.

1. We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

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Majestic Title Company, Inc.

EXECUTIVE OFFICES:
P.O. BOX 24214
4601 BENSON AVENUE
BALTIMORE, MARYLAND 21227
(410) 242-4700
FAX # 242-7590

BRANCH OFFICES:
PASADENA:
P.O. BOX 844
8094 EDWIN RAYMOND BLVD., SUITE 4
PASADENA, MARYLAND 21122
(301) 360-9550

BRANCH OFFICES:
EFTON:
52 WEST MAIN STREET
EFTON, MARYLAND 21721
(301) 398-9110

Date: 2/23/89

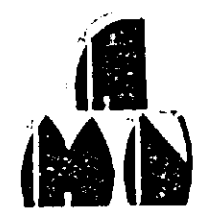
To: Margarita Baker

From: Joe Nissen

Re: Lots 9-10-29 & 30

Enclosed - Deed & Plat

No. of pages including this (page: 3)



ALLISON, MCCORMAC & NICKOLAUS, P.A. Structural Engineers

FAX NO. 547-0471

MICHAEL S. MCCORMAC, P.E.
PAUL R. NICKOLAUS, P.E.
RODRIGO CHACON, P.E.
RANDALL M. HAIST

HORATIO ALLISON, P.E.
Consultant

FAX COVER SHEET

DATE: March 13, 1989

FROM: Rita Baker

TO: APR-Surveying Co.

ATTENTION: Mr. Ratysch

PROJECT #: Magletoe Road - 9905

NUMBER OF PAGES: 3

(Including this page)

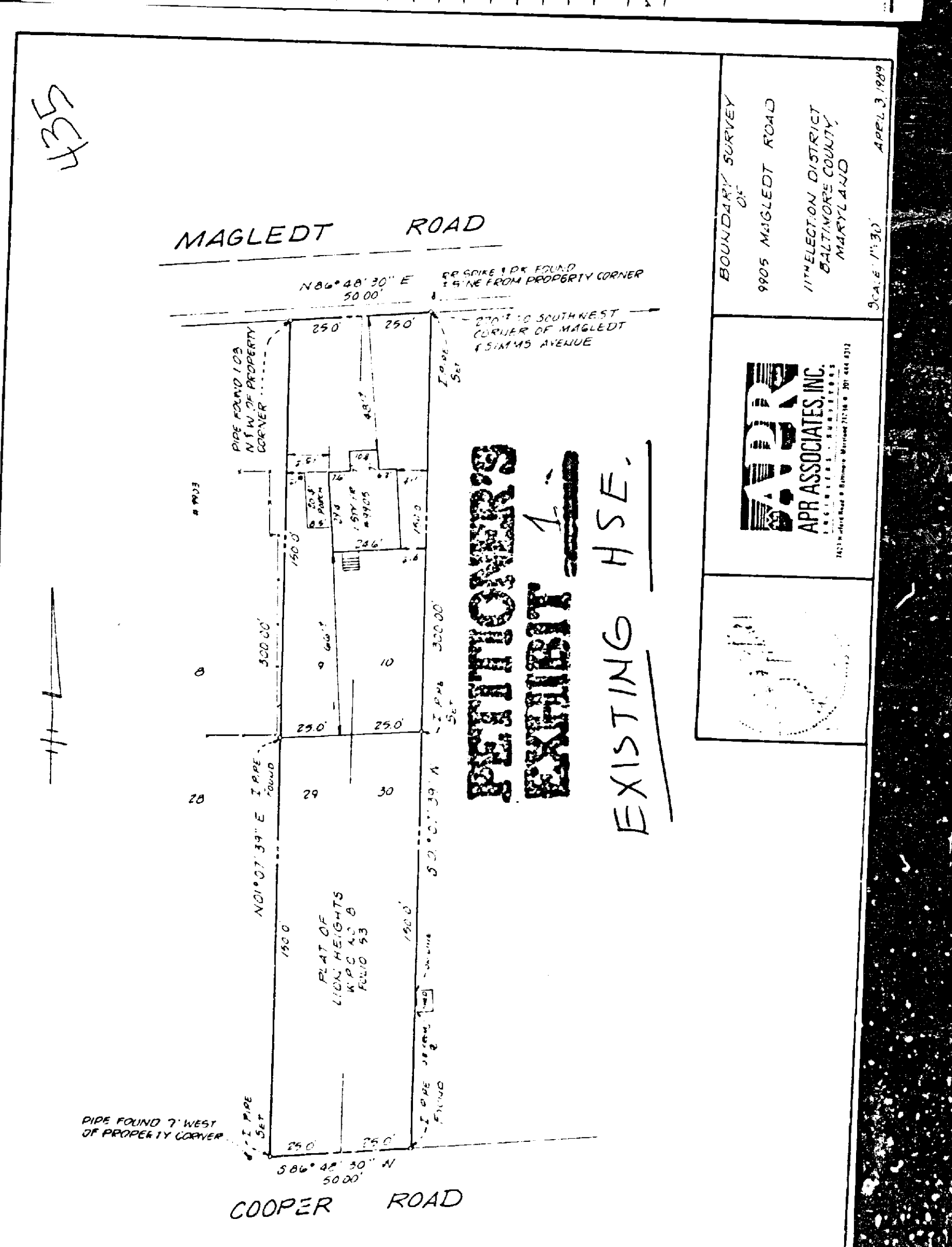
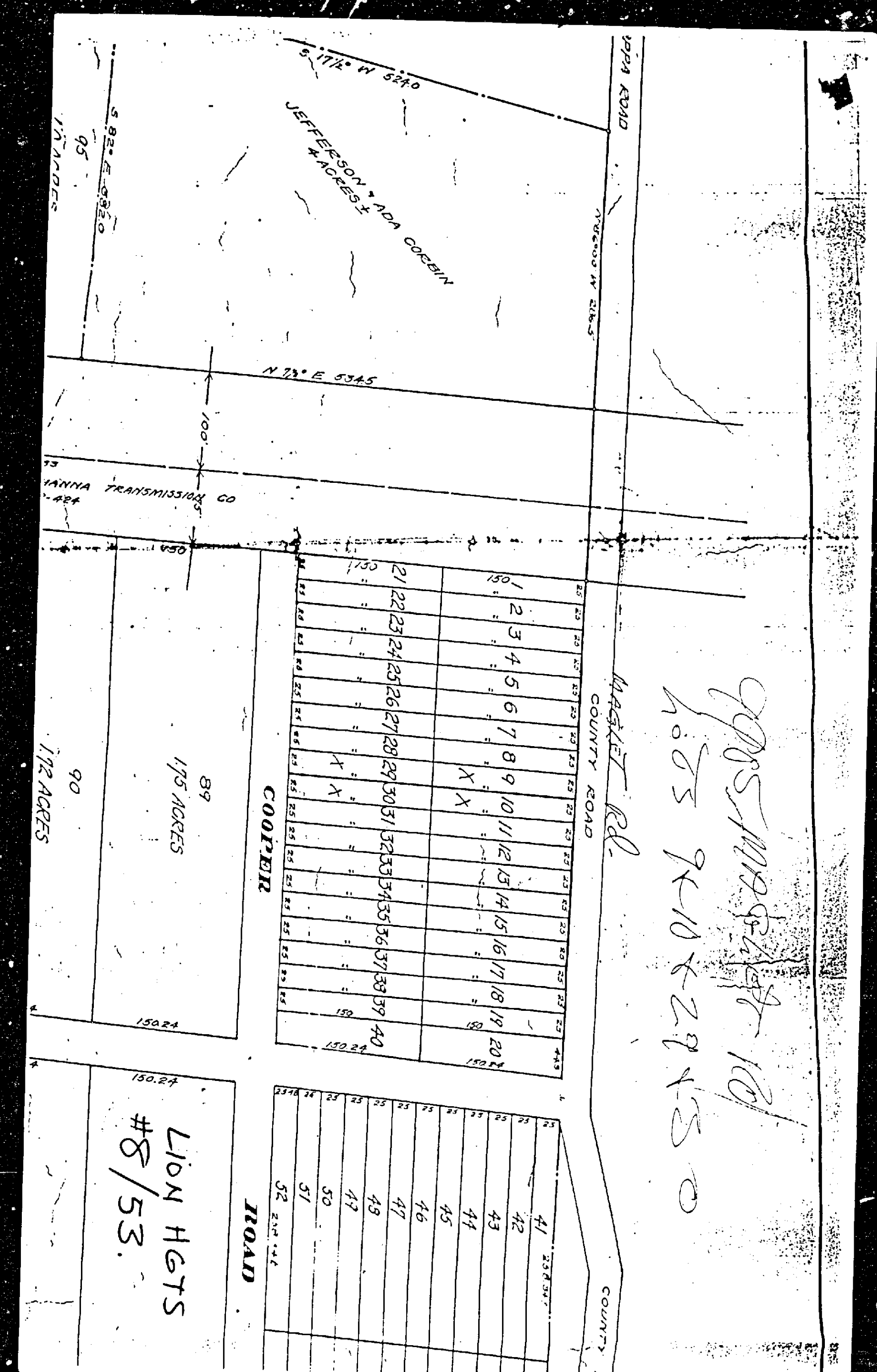
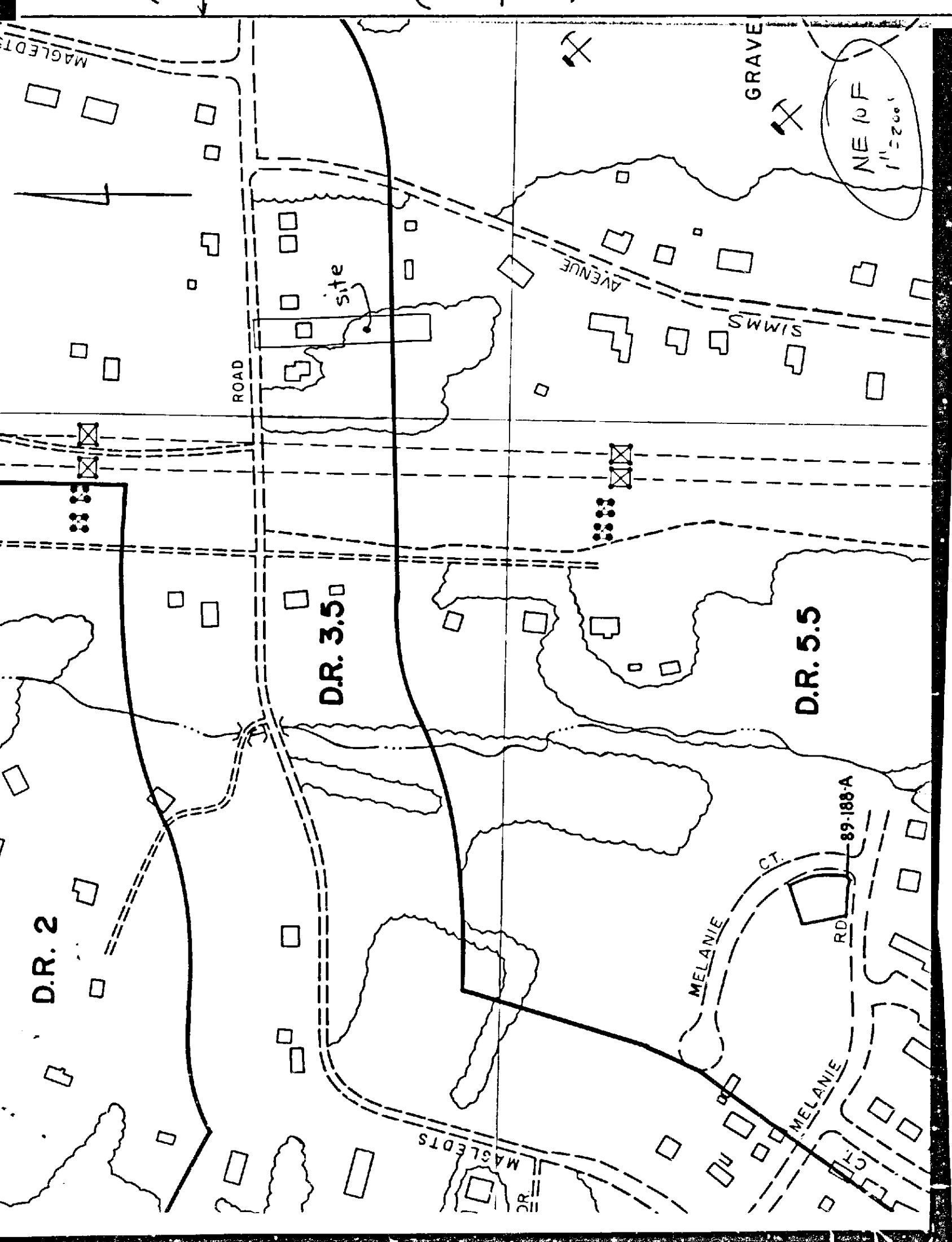
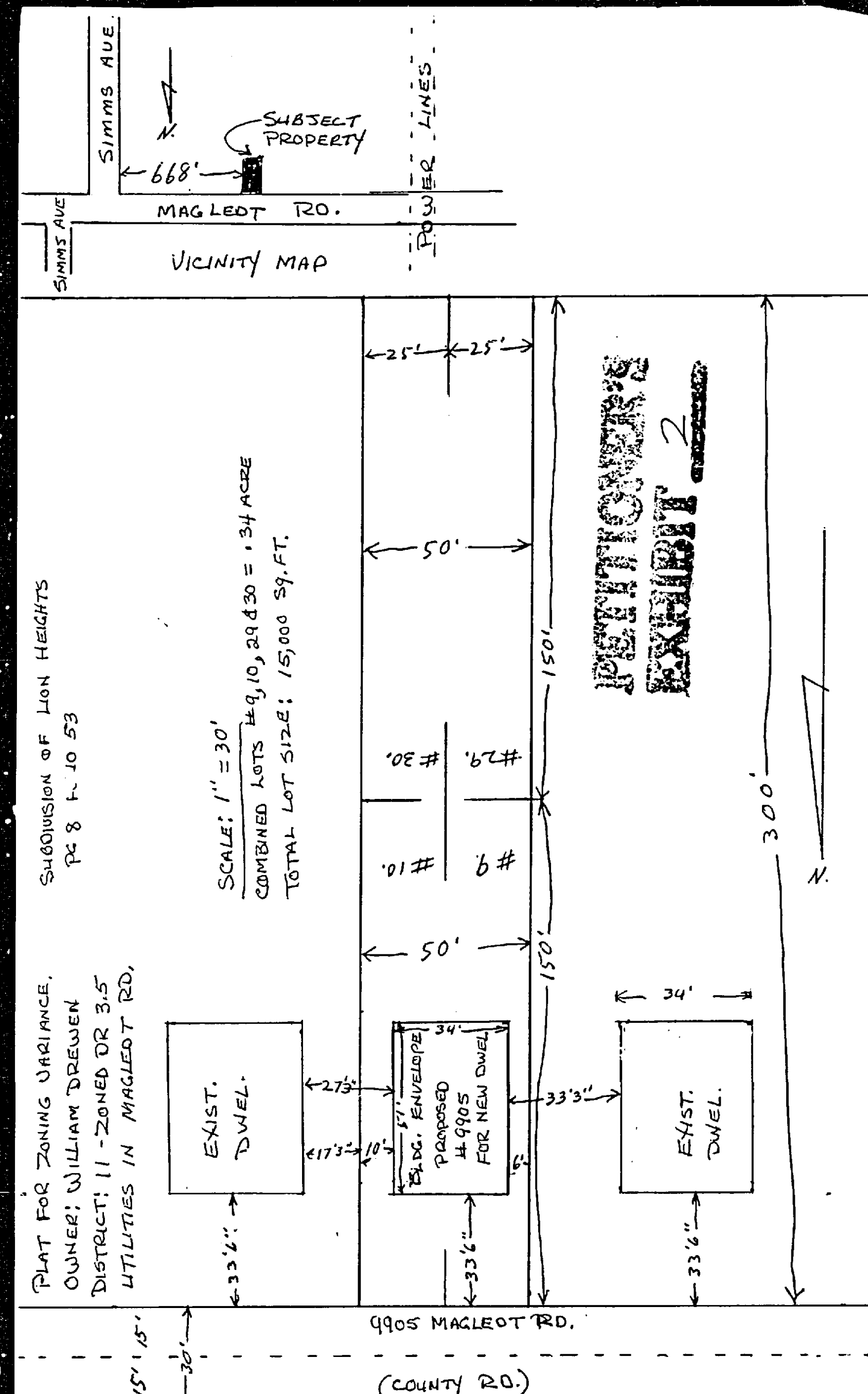
FAX #: 444-1647

MESSAGE: Here is the information you requested. Please note that Lots #9 & 10 are the two front lots on Magletoe Road. But are considered one lot for my building purposes. Lots #29 & 30, I plan to hold for future building (after Cooper Rd. becomes reality). However, I need a surveyed plot plan for ALL FOUR LOTS. (50' x 300')

You can reach me at 732-2241 after 6:00 p.m.

I understand your fee for this survey will be about \$400-\$500 and you will have this plot plan ready for me, no later than April 3, 1989.

107 E. Preston Street • Baltimore, Maryland 21202 • Telephone (301) 962-1155



89-540-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
26th day of April, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Willis D. Drown
Petitioner's Attorney: _____

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 20, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Ms. Margarita E. Baker
505 S. Grundy St. apt
Baltimore, MD 21224

RE: Item No. 435, Case No. 89-540-A
Petitioner: Willis D. Drown
Petition for Zoning Variance

Dear Ms. Baker:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Willis D. Drown
4305 Joppa Road
Baltimore, MD 21236

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dennis F. Rasmussen
Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 424, 425, 426, 427, 428, 429, 430, 431, 432, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, and 448.

Very truly yours,
Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
APR 29 1989
ZONING OFFICE

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
Dennis F. Rasmussen
County Executive

RE: Property Owner: Contract Purchaser: Margarita E. Baker
Legal Owner: Willis D. Drown

Location: S/S Magledd Road, 270' W Simms Avenue
(49905 Magledd Road)

Item No.: 435 Zoning Agenda: April 25, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Reincke* Noted and Approved *Paul H. Reincke*
Planning Group Fire Prevention Bureau
Special Inspection Division

MAY 2 6 1989

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-540-A
Item No. 435

Re: Willis D. Drown

The Petitioner requests a variance to allow a side yard setback of six (6) feet in lieu of the required 15 feet and a sum of the side yard setbacks of 16 feet in lieu of the required 23 feet. In reference to this request, staff offers the following comments:

The proposed dwelling is too large for the lot. The house design should suit the lot not vice versa. This office recommends that the building setbacks be no less than 10 feet per side. If the requested variance is granted, this office requests that a restriction be placed on the property prohibiting any additional variances.

A:7789.LST pg.4

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for April 25, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 424, 425, 427, 428, 429, 430, 431, 432, 435, 437, 439, 440, 441, 442, 443, 444, 445, 447, and 448. Comments are attached for Items 426, 434, 436, 438 and 446.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Encls.

MAY 1 9 1989